GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired – Departmental proceedings under Rule 9 of Revised Pension Rules, 1980 – Articles of Charges – Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (IMS&VIG) DEPARTEMNT

G.O.Rt.No.596 Dated :11.08. 2016.

Read :

G.O.Ms.No.51, LET&F (IMS&Vig) Deptt., dated:11.08.2016

ORDER:

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired vide G.O read above, it is proposed to hold an inquiry against the said Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure.I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV). Copies of documents in support of charges are enclosed.

3. Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired is directed to submit his written statement of defence within 10 days from the date of receipt this order and also to state whether he desires to be heard in person.

4. Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired is informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, or the orders / directions issued in pursuance of the said rules, further action will be proposed based on the material available.

6. Attention of Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further

his interests in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that, Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District and now retired is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Syed Sardar Saheb Akil, the then Deputy Commissioner of Labour and Project Director, National Child Labour Project, Eluru, West Godavari District through the Commissioner of Labour, Andhra Pradesh, Vijayawada.

The Commissioner of Labour, Andhra Pradesh, Vijayawada. (With a request to serve the charge order and obtain the dated acknowledgement and furnish the same).

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.

The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.

//Forwarded ::By order//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI SYED SARDAR SAHEB AKHIL, S/O SAYED KALESHA, FORMERLY DEPUTY COMMISSIONER OF LABOUR & PROJECT DIRECTOR NATIONAL CHILD LABOUR PROJECT, WEST GODAVARI DISTRICT, ELURU

That Sri Sayed Sardar Saheb Akil, S/o Sayed Kalesha, Age 58 Years, Deputy Commissioner of Labour & Project Director to the National Child Labour Project, West Godavari District joined in Government Service as Co-operative Sub- Registrar. Later he was selected through Andhra Pradesh Public Service Commission as Assistant Labour Officer in Zone-IV in Labour Department and worked at Nandyala, Hindupur and was promoted as Labour Officer on 31.10.2000 and worked as Labour Officer, Kadapa, Guntur and was promoted as Assistant Commissioner of Labour on 25.04.2008 and worked at Narasaraopeta later as Deputy Commissioner of Labour from 06.04.2011 and worked at Kurnool, Ongole and worked as Deputy Commissioner of Labour & Project Director, National Child Labour Project, West Godavari District, Eluru from 24.11.2014 to 27.12.2014 (i.e. till the date of trap). He is referred as Charged Officer while working as such during afore said period, he has committed grave misconduct in as much as :

ARTICLE-I:

The Charged Officer actuated with corrupt motive and by abusing his official position he demanded a bribe amount of Rs. 60,000/- and accepted Rs. 5,000/- as advance from Sri Sabbani Venkata Bhogeswara Rao, S/o Jala Sundara Rao, Age: 36 years, Occ: Field Officer, National Child Labour Project O/o Deputy Commissioner of Labour, Ashok Nagar, Eluru, West Godavari District for showing official favour of passing his two months salary bills and to process the arrear bills.

Thus Sri Sayed Sardar Saheb Akhil, formerly Deputy Commissioner of Labour & Project Director to National Child Labour Project, West Godavari by his above mentioned acts has exhibited lack of integrity & devotion to duty and conduct unbecoming of a Member of Government servant and thereby contravened Rule 3(1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF CHARGES FRAMED AGAINST SRI SYED SARDAR SAHEB AKHIL, S/O SAYED KALESHA, FORMERLY DEPUTY COMMISSIONER OF LABOUR & PROJECT DIRECTOR NATIONAL CHILD LABOUR PROJECT, WEST GODAVARI DISTRICT, ELURU.

That Sri Sayed Sardar Saheb Akil, S/o Sayed Kalesh is a native of Ongole of Prakasam District. His date of birth is 01.07.1956. He initially joined in Government Service in Co-operative Department as Co-operative sub Registrar later he selected as Assistant Labour Officer through Andhra Pradesh Public Service Commission in Andhra Pradesh Labour Department in Zone-IV on 23.03.1990 and worked at Nandyala, Hindupur and promoted as Labour Officer on 31.10.2000 and worked as Labour Officer, Kadapa, Guntur and promoted as Assistant Commissioner of Labour on 25.04.2008 and worked at Narasaraopeta. Later he was promoted as Deputy Commissioner of Labour from 06.04.2011 and worked at Kurnool, Ongole and worked as Deputy Commissioner of Labour & Project Director, National Child Labour Project, West Godavari District, Eluru from 24.11.2014 to 27.12.2014 (i.e., till date of trap). He was placed under suspension vide G.O.Rt.No.1028, dated 30.12.2014 of Labour Employment Training & Factories (Vig) Department, Andhra Pradesh, Hyderabad. He is drawing a basic pay of Rs. 36,700/- in the TSP Rs. 23,650/- Rs. 49,360/-. His date of retirement on attaining the age of superannuation is on 30.06.2016. He is hereinafter referred as “Charged Officer”.

ARTICLE-I

Brief facts are the Sri Sabbani Venkata Bhogeswara Rao, who was working as field Officer in National Child Labour Project, West Godavari District was removed from the service by the predecessor of Charged Officer. Later as per the orders of Hon’ble High court he was reinstated. His 3 years Salary arrears and 2 months salary were to be paid to him. In this regard when he approached the Charged Officer (who was the project Director) for many times there was no response when he met the Charged Officer on 18.12.2004, and requested to pay the salary arrears. The Charged Officer demanded bribe of Rs. 60,000/- and when the complainant pleaded his inability to give that much amount the Charged Officer demanded him to pay Rs. 5,000/- to process his two months salary bill. When he agreed, the Charged Officer processed the file and later received the Cheque. But he demanded bribe of Rs.5,000/- to send the cheque to the Bank and further threatened that failing which he would not process his other bills. Sri Bhogeswara Rao was not interested to pay bribe to Charged Officer as such he gave report against Charged Officer to the Deputy Superintendent of Police, Anti Corruption Bureau, Eluru Range.

After receipt of the complaint, Sri V.Gopala Krishna, Deputy Superintendent of Police, Anti Corruption Bureau, Vijayawada Range, Vijayawada and FAC: Eluru Range, Eluru after observing all legal formalities registered the complaint as a case in Cr. No. 20/RCT-EWG/2014 at 16.00 hours on 27.12.2014 under sections 7, 13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988 of Anti Corruption Bureau, Eluru Range, Eluru.

The instructions were given to the complainant and the staff of Anti Corruption Bureau and demonstration conducted at Anti Corruption Bureau Office, Eluru and was drafted as mediators report No.1 in the office of the Deputy Superintendent of Police, Anti Corruption Bureau, Eluru Range, Eluru on 27.12.2014 by the mediators.

The Charged Officer was trapped by the Anti Corruption Bureau officials on 27.12.2014 at about 18.50 hours. When he further demanded and accepted bribe amount of Rs. 5,000/- as advance from the complainant. The chemical test conducted on the fingers of both hands of the Charged Government Servant yielded positive result. In pursuance of the statement of the Charged Government Servant the tainted bribe amount i.e., a wad of 500/- rupee currency notes of 10 in number amounting to Rs. 5,000/- was recovered from the left side pant pocket of Charged

Government Servant. When compared, the serial Nos. of the currency notes recovered from the Charged Officer were found to tally with those of the serial Nos. of the currency notes produced by the complainant during pre-trap proceedings. The Deputy Superintendent of Police, Anti Corruption Bureau seized the tainted amount of Rs. 5,000/- and chemical test conducted on the inner linings of the pant pocket of the charged Government Servant also yielded positive result. The Deputy Superintendent of Police, Anti Corruption Bureau also seized the pant of the Charged Officer duly attested by the Mediators.

Later Deputy Superintendent of Police seized the relevant records from the office of Charged Officer.

Thus the Charged Officer by his above mentioned Acts exhibited lack of integrity & devotion to duty and conduct unbecoming of a member of Government Servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III
LIST OF WITNESSES:

1. Sri Sabbani Venkata Bhogeswara Rao, S/o Jala Sundara Rao, Age: 36 years Occ: Filed Officer, O/o Deputy Commissioner of Labour, Ashok Nagar, Eluru, West Godavari District.

2. Sri Voora Venkata Pandu Mallikajuna Rao S/o Vishnu Mohan Rao, Age: 49, years, Junior Lecturer in Maths, Government Junior College, Eluru, R/o D.No. 10-159/A3, Rajendranagar, Eluru Road, Gudiwada, Krishna District.

3. Sri Vadlamannati Venkateswara Rao, S/o Satyanarayana Murthy, Age : 47 years, Sr. Asst., O/o J.D., Agriculture, Eluru R/o Dwaraka Nagar, Tangellamudi, Eluru, T.Kanaka Raju, Inspector of Police, Anti Corruption Bureau, Eluru Range, Eluru.

4. Sri V.Gopala Krishna, Deputy Superintendent, of Police, Anti Corruption Bureau, Vijayawada Range, FAC: Eluru range, Eluru.

5. Sri U.J. Wilson, Inspector of Police, Anti Corruption Bureau, Eluru Range, Eluru.

6. Any other witnesses may be added at the time of enquiry.
7. Witnesses S.No.2 to 7 as mentioned in the approved charge sheet.

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV
LIST OF DOCUMENTS.

1. Copy of F.I.R. Cr.No. 20/RCT-EWG/2014, dated 27.12.2014 U/s 7, 13(2) r/w 13(1) (d) PC Act, 1988 of Eluru Range, Eluru.

2. Copy Mediator Report-I drafted at the office of the Deputy Superintendent of Police, Anti Corruption Bureau, Eluru Range, Eluru dated 27.12.2014.

3. Copy Mediator Report-II drafted in the Office Chamber of Deputy Commissioner of Labour at the office of the Deputy Commissioner of Labour, Door No. 24A-19-12, Tenali Ramakrishna Veedhi, Ashok Nagar, Eluru, West Godavari District.

4. Register of Office Attendance National Child Labour Project, West Godavari District, Eluru maintaining from 01.01.2014 to 27.12.2014.

5. A made up file, consisting Two sets of papers and one single paper on verification the First set is note submitted to the Chairman of National Child Labour Project/ Collector & District Magistrate West Godavari District Eluru vide RC.No. 06/NCLP/2014 dated 18.12.2014. The Second set of papers the First pages are the proceedings of Sri Siddarth Jain, formerly District Collector and Chairman National Child Labour Project, West Godavari District dated 03.09.2013 which is the order of taking back the complainant in to the NCL Project as per Court order, Second, Third and Fourth Papers are letter of the Collector, Letter of Government Pleader for Labour and Letter of Principal Secretary to the Government respectively. The Last paper in the file is single paper which is proceedings of Dr. G.Vani Mohan, IAS formerly District Collector and Chairman National Child Labour Project in RC.No. 4/2013 which is appointment order of Ch.Venkateswara Rao as field officer in National Child Labour Project on contract agreement.

6. National Child Labour Project, West Godavari District, Eluru Monthly Salary Register Book (2013-2014).

7. National Child Labour Project Tappals Register.

8. One made up file which was wrapped with brown sheet on which it is wrote as contempt case (FO) CC.No. 311 of 2013 in which there are Two bunch of papers in the First bunch Page No. 1 to 25 and in the Second Bunch Page No. 1 to 228 are found which are the papers related to the project and its rules, High court orders and letter of Government Pleader of Labour to the District Collector and the Project Director, The representation of the complainant and etc., are found.

9. One made up file wrapped with brown sheet on which it was mentioned as received National Child Labour Project, Collectrate Tappals on perusal the said file the first page is Letter from M.Viswanatham, Project Officer, Sarwa Siksha Abhiyan vide RC.No. 482/SSA/G/2014 dated 19.12.2014 and Second Paper is guidelines and Third Papers is the representation of the complainant. The Fourth paper is Memo of Commissioner of Labour, Andhra Pradesh, Hyderabad dated 04.12.2014.

10. Statement of S.V.Bhogeswara Rao, recorded U/s 161 Cr.P.C. and other witnesses as mentioned in the approved Charge Sheet.

11. Any other documents may be produced at the time of enquiry.

12. Letter Vide Rc.No. 975/2015/A4 dated 20.05.2015 from the District Collector, West Godavari District/ Chairman, National Child Labour Project regarding

duties and job chart of the Accused Officer as Project Officer, National Child Labour Project vide R.C.No. 335/NCLP/2014 dated 18.05.2015.

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER